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17 APPLE INC.

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **OAKLAND DIVISION**

21 ZOMM, LLC,

22 Plaintiff,

23 v.

24 APPLE INC.,

25 Defendant.
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Case No. 4:18-cv-04969-HSG

**STIPULATED REQUEST FOR
COURT ORDER TO MODIFY
BRIEFING SCHEDULE FOR
DEFENDANT'S MOTION TO
DISMISS PLAINTIFF'S NON-PATENT
CAUSES OF ACTION AND STAY
PLAINTIFF'S PATENT CAUSE OF
ACTION AND TO ADJOURN
HEARING DATE**

1 Pursuant to the Civil Local Rules 6-2 and 7-12, Plaintiff Zomm, LLC ("Plaintiff") and
2 Defendant Apple Inc. ("Defendant") hereby file this stipulation, requesting an order to modify the
3 briefing schedule on Defendant's Motion to Dismiss Plaintiff's Non-Patent Causes of Action and
4 Stay Plaintiff's Patent Cause of Action ("Motion") and to adjourn the hearing date for the Motion
5 until March 21, 2019. In support of this request, and as set forth in the accompanying declaration
6 of Michael J. Zinna, the parties state as follows:

- 7 1. On December 3, 2018, Defendant filed the Motion. (Dkt. No. 45.)
- 8 2. Pursuant to Civil Local Rule 7-3, Plaintiff's Opposition to the Motion would be
9 due on December 17, 2018. Defendant's Reply in Support of the Motion would be
10 due on December 24, 2018. The hearing on the Motion is currently set for March
11 14, 2019.
- 12 3. In light of the upcoming winter holidays, the parties have agreed to extend the
13 briefing schedule for the Motion as follows:
 - 14 a. Plaintiff's Opposition to the Motion will be due January 9, 2019.
 - 15 b. Defendant's Reply in Support of the Motion will be due January 28, 2019.
- 16 4. To accommodate pre-existing travel plans of Plaintiff's lead counsel, the parties
17 further agree to adjourn the hearing date for the Motion until March 21, 2019,
18 subject to the Court's convenience.
- 19 5. The change in the briefing schedule does not impact the hearing date for the
20 Motion and the modest seven-day adjournment of the hearing date will not delay
21 the overall resolution of the Motion.
- 22 6. This is the first request the parties have made to modify the briefing schedule on
23 this Motion and to adjourn the hearing date. The requested changes will not
24 impact any other deadlines scheduled in the case.

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Dated: December 14, 2018

KELLEY DRYE AND WARREN LLP

By:/s/ Michael J. Zinna

Michael J. Zinna
Attorneys for Plaintiff
ZOMM, LLC

Dated: December 14, 2018

O'MELVENY & MYERS LLP

By:/s/ Luann L. Simmons

Luann L. Simmons
Attorneys for Defendant
APPLE INC.

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Michael J. Zinna

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Michael J. Zinna

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DATED: 12/17/2018

STIPULATED REQUEST FOR ORDER
Case No. 4:18-cv-04969-HSG